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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2013-937

12 **BARBARA CHINYERE OGBONNA**
13 **aka BARBARA ENE-EBUTE OGBONNA**
6331 Woodside Drive
14 Zachary, Louisiana 70791

A C C U S A T I O N

15 **Registered Nurse License No. 601125**

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about June 28, 2002, the Board of Registered Nursing issued Registered Nurse
24 License Number 601125 to Barbara Chinyere Ogbonna, aka Barbara Ene-Ebute Ogbonna
25 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to
26 the charges brought herein and will expire on October 31, 2013, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time.

STATUTORY PROVISIONS

6. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

COST RECOVERY

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being

1 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
2 included in a stipulated settlement.

3 **CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct – Disciplinary Action by Another Health Care Agency –**
5 **Louisiana State Board of Nursing – on November 1, 2012)**

6 8. Respondent is subject to disciplinary action under section 2761, subdivision (a)(4), on
7 the grounds of unprofessional conduct in that Respondent was disciplined by the Louisiana State
8 Board of Nursing (Louisiana Board) *In the Matter of: Barbara Ene-Ebute Ogbonna 6331*
9 *Woodside Drive, Zachary, LA 70791*, for violation of Louisiana Revised Statutes 37:911, *et seq.*
10 (“Nurse Practice Act”), 37:921(3) (unfitness or incompetence) and 37:921(4) (actual or potential
11 inability to practice nursing with reasonable skill and safety to individuals because of alcohol or
12 drugs or as a result of any mental or physical condition). The circumstances are as follows:

13 9. In or about 2008, Respondent exhibited mental status changes and abnormal behavior
14 which led to Respondent’s hospitalization from September 18, 2008 through September 27, 2008
15 and from September 28, 2008 to October 10, 2008. During the second hospitalization,
16 Respondent was diagnosed with depression with suicide ideation and psychotic features
17 (hallucinations). Following discharge, Respondent failed to follow up with prescribed outpatient
18 treatment.

19 10. On August 10, 2009, after having failed to comply with treatment recommendations,
20 Respondent was again hospitalized and diagnosed with post-partum depression, paranoid with
21 hallucinations, and acute psychosis.

22 11. In 2012, the Louisiana Board became aware of Respondent’s 2008 and 2009
23 hospitalizations, and fourth and fifth hospitalizations, from January 28, 2012 to February 4, 2012,
24 and from February 4, 2012 to February 20, 2012, respectively, after creating disturbances at
25 home. Respondent was diagnosed with chronic paranoid schizophrenia (with auditory/visual
26 hallucinations), major depressive disorder, generalized anxiety disorder, aggressive behavior
27 disorder and medical noncompliance. After discharge from the hospital, Respondent continued to
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1 demonstrate a pattern of disruptive behavior necessitating intervention by law enforcement as
2 follows:

3 a. On or about February 26, 2012, Respondent created a disturbance in a church
4 and had to be escorted out of the church by several members. On the morning of February 27,
5 2012, Respondent returned to the church against advice of law enforcement, was subsequently
6 taken to a hospital for an evaluation, then again returned to the church despite being warned
7 against doing so.

8 b. On or about March 5, 2012, Respondent created a disturbance at a motel from
9 where she refused to leave after being asked to do so, necessitating the intervention of law
10 enforcement.

11 c. On or about March 19, 2012, Respondent created a disturbance at a law firm
12 office after having been advised to stay away from the office. Respondent was arrested for
13 disturbing the peace and for resisting an officer, which criminal matter is pending in the Baton
14 Rouge Parish Court.

15 d. On or about June 9, 2012, Respondent created a disturbance at a retail store,
16 leading to the intervention of law enforcement.

17 e. On or about August 28, 2012, Respondent created a disturbance at a residence
18 and was advised by law enforcement to stop trespassing and damaging property.

19 f. On or about September 5, 2012, Respondent created a disturbance at a school,
20 leading to intervention by law enforcement.

21 12. Respondent failed to disclose her mental/psychiatric condition and treatment to the
22 Louisiana Board on renewal applications dated December 1, 2008 and December 3, 2009, and
23 failed to cooperate with the Louisiana Board's investigation.

24 13. On or about November 15, 2012, Respondent's Louisiana Nursing License
25 No. 106078 was suspended for a minimum of one (1) year after which Respondent may request
26 reinstatement if she complies with certain terms and conditions of the Louisiana Board.

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1. Revoking or suspending Registered Nurse License Number 601125 issued to Barbara Chinyere Ogbonna, aka Barbara Ene-Ebute Ogbonna;
2. Ordering Barbara Chinyere Ogbonna, aka Barbara Ene-Ebute Ogbonna, to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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